

ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE REVERSE OSMOSIS WATER TREATMENT PLANT PROJECT OF THE DEPARTMENT OF WATER AND SEWERS OF THE CITY OF HIALEAH, FLORIDA, FOR THE FISCAL YEAR 2010-2011, COMMENCING ON OCTOBER 1, 2010 AND ENDING ON SEPTEMBER 30, 2011, IN THE TOTAL AMOUNT OF \$73,441,468. REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on December 27, 2007, the City of Hialeah, Florida and Miami-Dade County, Florida entered into a Joint Participation Agreement for the planning, design, construction and operation of a Reverse Osmosis Water Treatment Plant, including water production and deep well injection wells, to be located in the Annexation Area (Hialeah Heights); and

**WHEREAS**, the City has entered into a contract with a Design/Build/Operator for the design, construction and operation of the Reverse Osmosis Water Treatment Plant with an operational capacity of 10 million gallons per day of potable water; and

**WHEREAS**, the funding of the planning, design and construction of the project between the City and the County will be shared equally, with this budget showing the City contributions from anticipated revenues from generated bond financing and grant proceeds that will occur within in fiscal year 2010-2011, as well as the County's contribution as specified in the Joint Participation Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The budget of the Reverse Osmosis Water Treatment Plant Project of the Department of Water and Sewers of the City of Hialeah, as attached hereto and made a part hereof, in the total amount of \$73,441,468, for the fiscal year 2010-2011, commencing on October 1, 2010 and ending on September 30, 2011, is hereby approved and adopted.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

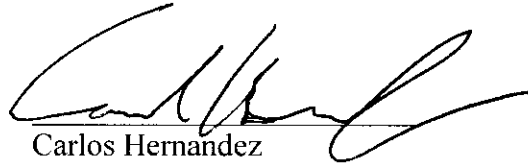
**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is

(THIS SPACE IS LEFT INTENTIONALLY BLANK.)

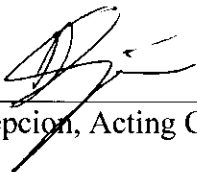
withheld or if the City Council overrides the Mayor's veto.

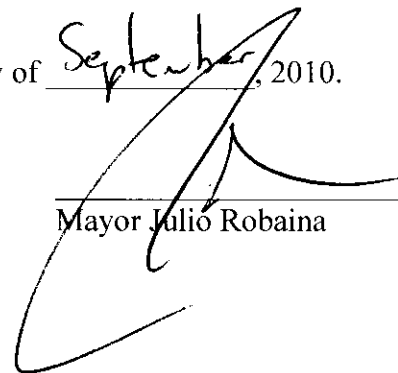
PASSED and ADOPTED this 29<sup>th</sup> day of September, 2010.

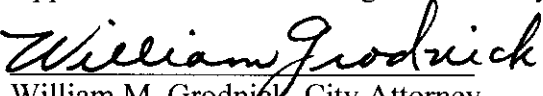
  
Carlos Hernandez  
Council President

Attest:

Approved on this 30 day of September, 2010.

  
David Concepcion, Acting City Clerk

  
Mayor Julio Robaina

Approved as to form and legal sufficiency:  
  
William M. Grodnick, City Attorney